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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,894	06/11/1999	ISAO ICHIMURA	SONY-P9651	9978

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

CHU, KIM KWOK

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/330,894

Applicant(s)

ICHIMURA ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2653

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 8-14.

Claim(s) objected to: 4, 18 and 25.

Claim(s) rejected: 1-3, 5-7, 15-17, 19-24 and 26-28.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: attached PTO-892

Continuation of 2. NOTE:

1. in independent claims 1, 15 and 22, the newly amended feature "an envelop component of" is an obvious feature of Maeda's signal processor 27 in Fig. 1 because the processor 27 outputs a detected signal from a RF signal (column 4, lines 20-26);
2. although Maeda's does not disclose that the detected signals such as disk thickness is an envelope component of a reproducing signal, it is a well known fact that the detected signals such as disk thickness, focusing and tracking error signals are filtered signals which is an envelope component of the RF signal output from a photodetector; and
3. other prior art having teaching about "a detected signal is an envelope of a RF signal", see Fig. 6 of Tsutsui (U.S. Patent 6,141,305).

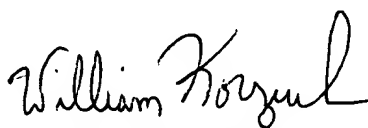
Continuation of 5. does NOT place the application in condition for allowance because:

1. Applicant states that Maeda does not teach the moving means having a function of "cyclic movement" (page 5 of the Remarks, lines 9-10). Accordingly, a cyclic movement is a recurring circular motion. During an information scanning process, Maeda's objective lens 36 and 37 perform a focus operation in a direction of the optical axis (column 5, lines 25-28). Since the information focusing operation is a recurring upward/downward movement along the optical axis, Maeda's objective lenses 36 and 37 are driven in a cyclic movement along the lenses optical axis;
2. Applicant states that Maeda does not teach "recorded marks and spaces" (page 5 of the Remarks, last 2 lines). Accordingly, information recorded on disk 2 are in form of marks and spaces. A physical structure of a mark is a pit. For reference, see U. S. Patent 6,366,541 by Ohnuki et al.; column 8, lines 14-20; and
3. Even a mark can be a phase change type recorded information, focusing the mark in an upward/downward direction along an optical axis is still required. For example, Applicant agrees that Maeda's "two-group lens held thereby will be moved in the direction of the optical axis" (page 6 of the Remarks, lines 11 and 12).

Examiner
Kim CHU

3/6/03

AU 2653


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600